

**8-33. Selection and Performance of Federal Corrective Actions at Leaking Underground Storage Tanks**

1. **AUTHORITY.** Pursuant to Subtitle I of the Solid Waste Disposal Act, as amended, to determine the necessity of and to select Federal corrective actions at leaking underground storage tanks containing petroleum and/or oxygenated fuel additives, to enter property and to perform such corrective actions using Leaking Underground Storage Tank (LUST) Trust Fund funds.
2. **TO WHOM DELEGATED.** Director, Land and Chemicals Division (LCD); director, Hazardous Site Cleanup Division (HSCD), and on-scene coordinators (OSCs) located in the Office of Preparedness and Response, HSCD.
3. **LIMITATIONS.**
  - a. For emergency situations with obligations not exceeding \$50,000, the delegates may exercise this authority and must comply with Federal lead UST corrective action guidance issued by the Assistant Administrator for Land and Emergency Management or designee.
  - b. Prior to exercising this authority for any obligations up to \$250,000 or for any amendment that does not bring the total obligation above \$250,000, the delegates must receive concurrence from the Office Director of the Office of Underground Storage Tanks, or designee.
  - c. Prior to exercising this authority for any obligations above \$250,000 or for any amendment that brings the total obligation above \$250,000, the delegatee must receive concurrence from the Assistant Administrator for Land and Emergency Management, or designee.
  - d. Prior to exercising this authority, the delegatee must consult with Regional Council.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may not be redelegated.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
  - a. Superfund Removal directives.
  - b. OLEM 9610.9A and subsequent amendments.

**6. SUPERSESSION.**

- a. Delegations Manual, SWDA, Regional Delegation 8-33. Selection and Performance of Federal Corrective Actions at Leaking Underground Storage Tanks, 1200 TN RIII-80, (June 24, 1998).
- b. EPA Notice R-08-01. Regional Delegation and Regional Order Pen and Ink Changes: Land and Chemicals Division Reorganization, (July 21, 2008).

Date 9/6/2017

  
Cecil Rodrigues  
Acting Regional Administrator